IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7319 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

C V PILLAI

Versus

GUJ. STATE FOREST DEVELOPMENT CORPORATION LTD.

Appearance:

MR NR SHAHANI for Petitioners

MR KS NANAVATI for Respondent No. 1

NANAVATI ASSOCIATES for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/02/2001

ORAL JUDGEMENT

None present for the petitioner. Mr Nandish Chudgar for the respondent.

2 Heard the learned counsel for the respondent and perused the Special Civil Application and reply to the Special Civil Application and the orders passed by this Court in this matter from time to time. This petition is directed by four persons who are officers of the respondent-corporation and the prayer made is to restrain the respondents from reverting the petitioners nos.1 to 3 and withdrawing one increment of petitioner no.4 given vide Annexure-A1 to A4 dated 19.6.1990. This Court granted interim relief in favour of the petitioners.

3 The matter pertains to the upgradation of the post of the petitioners nos.1 to 3 and giving of the advance increment to the petitioner no.4. This has been done under the Resolution of the Board of Directors of the respondent-corporation but, subsequently, this Resolution was reviewed, which gives rise to the present petition. It is the case of the respondent that the benefits which have been conferred upon the petitioners by the Board of Directors was permissible only on the approval thereto was given by the State of Gujarat. If what that is contended by the respondent is correct, then I fail to understand what for during this period this Resolution passed earlier was not sent for the consideration of the State Government. This approach of the Corporation to contest this matter rather than to fairly concede that the benefits will be given to the petitioners as per the earlier resolution passed by its Board of Directors is approved by the State Government. For all these years, the petition remained pending and despite the fact that the Resolution was not approved by the State Government, the petitioners are getting all the benefits under the interim relief granted by this Court. Ends of justice will be met if this petition is disposed of in terms that the respondent-Corporation shall send the first resolution passed by it for conferring the benefits upon the petitioners for the approval of the State Government. The State Government shall decide that matter within a period of three months from the date of receipt of the Resolution of the Corporation. In case if the Resolution passed by the Corporation is approved by the Government, the matter shall stand concluded. However, if the Resolution is not approved by the State Government, liberty is granted to the petitioners for revival of the petition. If the State Government does not approve the Resolution of the Corporation, it shall record its reasons and a copy of its order shall be sent to the petitioners by registered post. Till the State Government decides the matter, the interim relief granted by this shall continue. It shall continue for a further period of one month in case the State Government

disapproves the Resolution of the Corporation. Rule is accordingly made absolute with no order as to costs.

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(SK KESHOTE J.)

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